



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,553	12/23/2003	Teiichi Ichikawa	008312-0307350	5058

909 7590 05/18/2007
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

HALEY, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2627

MAIL DATE	DELIVERY MODE
-----------	---------------

05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,553

Applicant(s)

ICHIKAWA ET AL.

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The Japanese Office action of 10/18/05 has been considered but was line through so as to not be printed on the front of the patent.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Election/Restrictions

Applicant's election with traverse of Group II in the reply filed on 2/2/07 is acknowledged. The traversal is on the ground(s) that there is no undue burden on the examiner to search and examine the entire application. This is not found persuasive because recording media and recording apparatus are separately searchable and contain different elements.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claims 10 and 11 are objected to because of the following informalities: the limitation "the timer" should be --a timer--. Additionally, in Claim 10, the limitation "the predetermined time" should be --a predetermined time--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation " the user operation during action of the timer ".

There is insufficient antecedent basis for this limitation in the claim.

The following rejections are made in view of this 112 rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Setogawa et al. (US 6424793).

In regard to claim 8, Setogawa et al. teaches object information (fig. 7 element 62); and reproducing control information which defines a method of reproducing the object information (fig. 18 elements 100-104. The apparatus of Setogawa et al. reproduces control information and jumps to the chapter menu if the apparatus has reached the end of the cell, if not it returns to the replay which constitutes two methods) and defines a predetermined command executed according to a predetermined operation of a user or other reproducing control information (see fig. 18 elements S106-108).

In regard to claim 13, Setogawa et al. teaches wherein the information recording medium is an optical disk (column 1 line 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al. in view of the applicant's admitted prior art.

In regard to claim 12, Setogawa et al. teaches all the elements of claim 12 except wherein the reproducing control information is PGC in a resuming operation.

The applicants admitted prior art teaches wherein the reproducing control information is PGC in a resuming operation (paragraph 12 lines 6-9).

The two are analogous art because they both deal with the same field of invention of video on an optical disc.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Setogawa et al. with the data structure of the prior art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Setogawa et al. with the data structure of the prior art because it provides interactive reproduction.

In regard to claim 14, the applicant's admitted prior art teaches wherein the predetermined command decides whether a title reproduced last is an original story or VAM and commands a resuming action in the case of the original story or commands not to return to VAM but to start reproduction of the original story (column 6 lines 5-12).

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al. in view of Hasegawa et al. (US 6282320).

In regard to claim 9, Setogawa et al. teaches all the elements of claim 9 except wherein the predetermined command is a command which is executed when a timer is made valid and a predetermined time is elapsed.

Hasegawa et al. teaches wherein the predetermined command is a command which is executed when a timer is made valid and a predetermined time is elapsed (fig. 22 S803-S805).

The two are analogous art because they both deal with the same field of invention of video on an optical disc.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Setogawa et al. with the timer of Hasegawa et al.. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Setogawa et al. with the timer of Hasegawa et al. because it would allow for commands to take place without any action from the user.

In regard to claim 10, Hasegawa et al. teaches wherein the reproducing control information defines other reproducing control information which is linked when the

Art Unit: 2627

timer is made valid and the predetermined time is elapsed (fig. 22 S803-S805. The apparatus of Hasegawa et al. displays a new picture once the time has passed).

In regard to claim 11, Hasegawa et al. teaches wherein the reproducing control information further defines control information whether the timer is reset or not according to the user operation during action of the timer (fig. 22 S803-S805. The timer of Hasegawa et al. gets reset after the next picture).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600